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GROUP, LLC a/k/a  
8 MODERNCOLLECTIONS.COM and DANNY  
LOUIE

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 KNOLL, INC., a Delaware corporation,

14 Plaintiff,

15 v.

16 DANRICK COMMERCE GROUP, LLC a/k/a  
MODERNCOLLECTIONS.COM, DANNY  
17 LOUIE, and DOES A–Z, Retailers for  
Alphaville Design, Inc.,

18 Defendants.

19 DANRICK COMMERCE GROUP, LLC a/k/a  
20 MODERNCOLLECTIONS.COM, a  
California limited liability company,

21 Counterclaimant,

22 v.

23 KNOLL, INC., a Delaware corporation,

24 Counterdefendant.

Case No. 08-CV-0778 MHP

RESPONSE BY DANRICK COMMERCE  
GROUP, LLC AND DANNY LOUIE TO  
PREMATURELY-FILED CASE  
MANAGEMENT STATEMENT OF KNOLL,  
INC.

Honorable Marilyn Hall Patel  
United States District Judge

Complaint Filed: February 1, 2008

1 TO THE HONORABLE COURT, AND TO ALL PARTIES AND THEIR  
2 COUNSEL OF RECORD:

3 For the purpose of clarifying the docket and record in this action,  
4 Defendant/Counterclaimant Danrick Commerce Group, LLC ("Danrick") and Defendant Danny  
5 Louie ("Louie") hereby file this statement in response to the purported "Joint Case Management  
6 Statement" ("Knoll's CMC Statement") filed in this action as Docket No. 19 by  
7 Plaintiff/Counterdefendant Knoll, Inc. ("Knoll"). Knoll's CMC Statement was initially filed as  
8 Docket No. 36 in the related case of *Alphaville Design, Inc. v. Knoll, Inc.*, Case No. 07-CV-5569-  
9 MHP. Danrick and Louie are not parties to that action, were erroneously sued pursuant to  
10 purported "counterclaims" by Knoll in that action, have never been served with a summons in that  
11 action, and did not participate in the Fed. R. Civ. P. 26 conference or communicate with Knoll  
12 regarding the preparation of a case management statement in that action. In fact, Danrick and  
13 Louie have requested that Knoll officially dismiss them from Knoll's erroneously-filed  
14 "counterclaims" in that action. But for some unexplained reason, Knoll filed its Case Management  
15 Statement from that action (*i.e.*, Docket No. 36 in Case No. 07-CV-5569-MHP) as Docket No. 19  
16 in this action as well, creating potential confusion as to whether Danrick and Louie participated or  
17 are somehow parties to that action and case management process, which they are not.

18 Danrick and Louie did not participate with Knoll in the preparation of Knoll's Case  
19 Management Statement or in the meet and confer process leading thereto in the separate but  
20 related Alphaville Action (Case No. 07-CV-5569-MHP) because, as explained above, Danrick and  
21 Louie are not parties to that action. Knoll has now filed three separate actions against Danrick and  
22 Louie for the same purported claims (one in the Southern District of New York which was  
23 dismissed, and now two more here in the Northern District of California), thereby increasing the  
24 unfair expense and burden to Danrick and Louie, which are a small company that is a customer of  
25 Alphaville Design, Inc. (Danrick) and one of Danrick's owners (Louie).

26 Furthermore, Danrick and Louie have been specifically advised by Knoll's counsel  
27 that their Fed. R. Civ. P. 26-related and case management-related issues will be dealt with  
28 according to the schedule set forth in this action, for which the Initial Case Management

1 Conference is currently set for May 12, 2008. (*See* Docket No 2.) Therefore, the time for filing a  
2 joint case management statement has not yet arrived (the appropriate date is set for May 5, 2008),  
3 Knoll's filing of a purported statement was improper and confusing, and Danrick and Louie will  
4 adhere to the schedule of dates set forth in this action in connection with the Initial Case  
5 Management Conference set for May 12, 2008, pending any future modifications to that schedule.

6 DATED: March 17, 2008

7 Respectfully submitted,

8 SHEPPARD MULLIN RICHTER & HAMPTON LLP  
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10 By /s/ Nathaniel Bruno

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12 NATHANIEL BRUNO

13 Attorneys for  
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15 LOUIE  
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